

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -APRIL 15, 2008- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 8:16 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(08-149) Mayor Johnson addressed the Resolutions of Appointment [paragraph nos. 08-152 and 08-152A] prior to the Consent Calendar.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(08-150) Proclamation declaring April through June 2008 as Historic Preservation Season.

Mayor Johnson presented the proclamation to the Planning and Building Director to pass onto the Historical Advisory Board Chair.

(08-151) Proclamation declaring April 19, 2008 as Earth Day.

Mayor Johnson presented the proclamation to Bryan Gower, Dave Nederhood and Faith Rusca, Crosstown Cafe. Mayor Johnson acknowledged Pam Evans with the Alameda County Green Business Program.

Mr. Gower thanked Council for the proclamation; stated Ms. Evans helped Crosstown Café become a certified Alameda County Green Business.

REGULAR AGENDA ITEM

(08-152) Resolution No. 14193, "Appointing Lola W. Brown as a Member of the Recreation and Park Commission"; and

(08-152A) Resolution No. 14194, "Appointing Gina M. Mariani as a Member of the Recreation and Park Commission."

Councilmember Matarrese moved adoption of the resolutions.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office and presented Ms. Brown and Ms. Mariani with Certificates of Appointment.

#### CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 08-153] and the Resolution Opposing Aerial Spray Program [paragraph no. 08-161] were removed from the Consent Calendar for discussion.

Vice Mayor Tam moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(08-153) Minutes of the Regular City Council Meeting held on April 1, 2008.

Councilmember Gilmore requested that the minutes be continued until the report from the consultant is available.

(\*08-154) Ratified bills in the amount of \$3,557,709.01.

(\*08-155) Recommendation to accept and authorize recordation of Notices of Completion for Bayport Fleet Industrial Supply Center/East Housing Residential Phase 2 Public Backbone Infrastructure Haile Sewer Pump Lift Station and Sewer Pump Lift Station No. 6 improvements. Accepted.

(\*08-156) Recommendation to adopt Plans and Specifications and authorize Call for Bids for Cyclic Sewer Replacement, Phase 5, No. P.W. 10-06-22. Accepted.

(\*08-157) Recommendation to find the project categorically exempt from the California Environmental Quality Act, adopt Plans and Specifications, and authorize Call for Bids for Fernside Boulevard Bike Path and Street Improvements, San Jose Avenue to North of Otis Drive, No. P.W. 03-08-10. Accepted.

(\*08-158) Recommendation to award Contract in the amount of \$241,820, including contingencies, to RMC Water and Environment for hydraulic model analysis of Alameda Sanitary Sewer Collection System. Accepted.

(\*08-159) Resolution No. 14195, "Authorizing the City Manager to Submit a Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008-2009 Transportation Development

Act, Article 3 Funding, in the Amount of \$40,000 to Update of City's Bicycle Master Plan and Execute All Necessary Documents to Implement the Project." Adopted.

(\*08-160) Resolution No. 14196, "Authorizing the City Manager to Submit an Application for Measure B Paratransit Funding for Fiscal Year 2008-2009 and to Execute All Necessary Documents to Implement the Project." Adopted.

(08-161) Resolution No. 14197, "Opposing the California Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moth and Supporting Legislation to Place Restrictions on the Program." Adopted.

Proponents (In favor of Resolution): Sally Cahill; Frank Egger, North Coast Rivers Alliance (submitted letter); Michael John Torrey, Alameda; and T'Hud Weber, Alameda.

Mayor Johnson inquired whether staff looked into Assemblymember Swanson's proposal.

The Deputy City Manager responded the proposed resolution includes four Assembly Bills and two Resolutions; AB 2892 is pending before the Assembly Agriculture Committee; AB 2760 was considered by the Assembly Natural Resources Committee yesterday; other Assembly Bills will go before the Assembly tomorrow; San Francisco Board of Supervisors passed a resolution today opposing the spray; AB 2892 discusses bringing the matter to the vote of the people.

Mayor Johnson stated that she likes the idea of a moratorium.

Councilmember Matarrese stated that he would like to remove the last sentence after LBAM of the NOW, THEREFORE, BE IT RESOLVED; the formulation was not locked down; the Secretary of California Department of Food and Agriculture stated that workers would not be allowed in fields if this type of spraying occurred; data was not gathered to establish safety; data was not presented on whether aerial spraying is effective in an urban area.

Councilmember Gilmore stated the Secretary advised that the Apple Moth problem was discovered in March 2007; by October 2007, spraying started.

Councilmember deHaan stated spraying was the Secretary's preferred method; other methods are available; all options should be considered before spraying starts.

Councilmember Matarrese moved adoption of the Resolution with the

following conditions: 1) strike language in the last clause that reads ... "until the State has studied the public health implications and determined that there are no health or environments risks;" and 2) include AB 2892 in the list of bills.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote -5.

Councilmember Gilmore stated that Alameda has joined a growing list of cities opposing the spray; the State has decided to spray and can override any City resolution.

Councilmember Matarrese requested that the City Attorney keep abreast of other cities that have passed similar resolutions to join any legal action.

(\*08-162) Ordinance No. 2980, "Amending the Alameda Municipal Code by Adding Section 3-53 (Claims) to Division VIII (Refunds and Corrections) to Chapter III (Finance and Taxation) to Establish Uniform Requirements and Procedures Applicable to the Presentation and Processing of Claims for Money or Damages with the City of Alameda That Are Not Currently Covered by State Law or Other Provisions of the Alameda Municipal Code." Finally passed.

#### REGULAR AGENDA ITEMS

(08-163) Public Hearing to consider a recommendation to adopt the Fiscal Year 2008-2009 Community Development Block Grant (CDBG) Action Plan and authorize the City Manager to negotiate and execute related documents, agreements, and modifications.

The Community Development Program Manager gave a Power Point presentation.

Mayor Johnson inquired how much money would be going to the Blight Buster program, to which the Community Development Program Manager responded \$180,000.

Mayor Johnson inquired whether other funding sources are available for said program since Alameda Point is on federal property.

The Community Development Program Manager responded the City is passing demolition costs on through the Development Agreement.

The Development Services Director stated demolition costs would be passed on to the developer once the former Base is developed.

Mayor Johnson inquired whether funds would be advanced and then

go back into the CDBG funding, to which the Development Services Director responded in the affirmative.

Councilmember deHaan stated the Action Plan has three new programs; the Alameda Point Collaborative (APC) self-employment initiative funding is \$165,000 and covers a third of the overall funding; inquired whether past services have continued support.

The Community Development Program Manager responded funding depends on circumstances; stated capital projects have one-time funding.

Councilmember deHaan inquired whether the APC would be an ongoing program.

The Community Development Program Manager responded APC funding is flexible; stated Housing and Urban Development (HUD) offers a special designation which allows for greater flexibility.

Councilmember deHaan stated APC funding is \$125,000; inquired whether other programs would not be able to continue.

The Community Development Program Manager responded the intention is to have the APC program be a start-up; stated milestones would need to be reached.

Councilmember deHaan inquired whether programs that are not recommended for funding could be revisited.

The Community Development Program Manager responded that public service programs would not be revisited at this time; stated any additional funding would go to direct services that are already funded.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of staff recommendation): Cynthia Wasko, Social Service Human Relations Board (SSHRB); Michael John Torrey, Alameda; Cherri Allison, Family Violence Law Center; Liz Varela, Building Futures with Women and Children; Sue Sigler, Alameda Point Collaborative; Franklin Hysten, Alternatives in Action; Sue Retherford, Bananas; Jim Franz, Red Cross; and Paul Russell, Alameda Food Bank.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson inquired whether there is a criteria for allocating funds, to which Ms. Wasko responded in the affirmative.

Mayor Johnson inquired whether long time recipients are encouraged to seek other funding sources.

Ms. Wasko responded the issue has not been a problem in the past; stated the competition becomes more rigorous as funding becomes more difficult.

Mayor Johnson stated that applicants should be advised to strengthen applications as soon as possible if it appears that funding will decrease.

Ms. Wasko stated funding is for a two-year cycle; hopefully, the economy will improve.

Councilmember Matarrese inquired whether the funding cycle is on an annual basis; stated an adjustment might be needed if funding is decreased.

The Community Development Program Manager responded funding is on a two-year cycle and is contingent on satisfactory Contract performance.

Councilmember Matarrese inquired whether federal funding is annual, to which the Community Development Program Manager responded in the affirmative.

Mayor Johnson inquired whether applicants are aware that the funding is received from the federal government on an annual basis and could be lower next year, to which the Community Development Program Manager responded in the affirmative.

Vice Mayor Tam stated that the SSHRB and staff have done a terrific job; non-profits make Alameda's community compassionate; she is glad that the SSHRB and staff have come up with fair and balanced recommendations.

Vice Mayor Tam moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(08-164) Public Hearing to consider an Appeal of the Planning Board's approval of a Final Development Plan, Major Design Review, Planned Development Amendment for reduced parking, and a tentative map for the construction of ten new office buildings located at 2800 Harbor Bay Parkway within the Harbor Bay Business Park in the Commercial Manufacturing and Planned Development Zoning District

(C-M-PD);

(08-164A) Resolution No. 14198, "Upholding the Planning Board Approval of Final Development Plan, Mayor Design Review and Planned Development Amendment (File No. PLN 07-0061) at 2800 Harbor Bay Parkway." Adopted, and;

(08-164B) Resolution No. 14199, "Approving Tentative Map 9689 (File No. PLN 07-0061) for the Subdivision of a 29.31 Acre Parcel into 14 Parcels for the Development of 10 Office Buildings, Associated Parking, Landscaping and Other Improvements." Adopted.

The Planning Services Manager gave a Power Point presentation and submitted a handout outlining three additional conditions of approval.

Councilmember deHaan stated that 5,500 square feet is a good size for a restaurant and is almost twice the size of Applebee's.

The Planning Services Manager stated that staff wants to provide the neighborhood with the ability to review potential restaurants; Council could consider a lower threshold.

Vice Mayor Tam stated the staff report notes that the existing Business Park has an overage in parking; she sees the possibility of a spill over from the ferry parking lot into the proposed development; inquired whether shared parking would be possible.

The Planning Services Manager responded the Ferry Terminal parking lot capacity is 225 cars and is full on some days.

Councilmember deHaan stated the Ferry capacity is at 50% and only runs during commute hours.

The Planning Services Manager stated the City is not prepared to buy the property to expand the Ferry Terminal parking lot; most ferry operators want better shuttle service, which would increase ridership.

Councilmember deHaan stated satellite parking and shuttle services are important.

The Applicant gave a Power Point presentation.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of Appeal): Tom Lynch, Alameda; Reyla Graber, Appellant; Harvey Wilson, Residents for Responsible Development

(RRD); Patricia Gannon, RRD (submitted letters); Gerry Long, RRD; May Johnston, Alameda; Corrine Lambden, RRD (submitted comments); Michael Robles Wong, Community of Harbor Bay Isle Owners Association; Melissa Plaisance, Headlands Homeowners Association; Richard Rutter, Alameda; Annie Rutter, Alameda; Chad Otten, Appellant (submitted petition); Brenda Harrigan, Alameda; Anda Bockis, Alameda; Ewart Wetherill, Alameda; Ignacio Goyret, Alameda; Nancy Ross, Alameda; and Anna Faria-Poynter, Alameda.

Opponents (Not in favor of Appeal): Art Autorino, Alameda; Mel Grant, SFX Preferred Resorts; Eric Ibsen, Alameda; John McManus, Cushman and Wakefield; Scott Newman, SRM Associates; Sandy Sidorsky, Alameda; Adam Howard, Bank of Alameda; Neil Sekhri, Gibson, Dunn and Crutcher LLP, Applicant's Attorney; Gary Fanger, Alameda; Andy Tung, Gracepoint Fellowship Church; Edward Kang, Gracepoint Fellowship Church; and Clement Chu, Cantamar Homeowners Association.

Neutral: Michael John Torrey, Alameda.

\* \* \*

(08-165) Councilmember Matarrese moved approval of continuing the meeting past midnight.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

\* \* \*

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Matarrese inquired whether fast food restaurants can be prohibited.

The Planning Services Manager responded the City does not have a definition of fast food restaurants.

Councilmember Matarrese inquired whether a definition could be established in order to prohibit fast food restaurants.

The Planning Services Manager responded a definition could be established.

Councilmember Matarrese stated that he is concerned that fast food restaurants create trash and drive-through traffic; a pre-construction biology survey is one of the additional conditions of approval provided tonight; inquired whether the Applicant is willing to do the necessary regulation activity if the survey finds

it necessary.

The Planning Services Manager responded in the affirmative; stated the proposed condition is in conformance with the California Department of Fish and Game guidelines and criteria.

Councilmember Matarrese stated the site renderings do not show any trees between the walking and gravel paths and water; currently, trees are between the path and the water; inquired whether the trees would be removed.

The Applicant responded in the negative; stated the public area is maintained by the Business Park; the only Shoreline Park changes would be path repaving and adding benches.

Councilmember Matarrese requested that the Police Department look into speeding and running stop signs in the area; providing shuttle service to the Ferry Terminal through the neighborhoods should be explored; requested that the issue be addressed at the next AC Transit liaison committee meeting.

Mayor Johnson inquired whether the access road would be closed.

The Applicant responded in the negative; stated the road is required to remain open; the access road would be built to a minimum twenty-five foot width.

Councilmember deHaan inquired whether any Home Owner Associations signed agreements.

The Applicant responded dialogue was initiated with Home Owner Association managers in October; Bay Colony and Freeport Board representatives informed him that notices were placed in respective newsletters to advise people about the meetings; tonight's issues were not brought up at the meetings.

Councilmember deHaan inquired whether the Home Owner Associations signed off on approving the conditions with caveats.

The Applicant responded said Associations advised that the conditions were acceptable through email acknowledgements.

Councilmember deHaan stated the property is very unique and the access road is not conducive to traffic flow; the Ferry is very important; parking is approximately 90% full at the Ferry Terminal; the Ferry capacity is only at 50%; shuttle service is very important; he would have liked to have the Transportation Commission's input; things have changed from when entitlements were

established twenty years ago; traffic impacts should be reviewed; segments have been reviewed, but not the whole picture; he is very concerned with the Ferry service, which is only used during commute hours; inquired whether there is a willingness to look at another design; stated the 300 foot notification requirement is an internal problem; said notification needs to be changed for large projects; the 100 foot height limit needs to be taken off the books; further discussion is needed on the matter.

Councilmember Matarrese inquired whether the traffic study was based on the 5 million square foot build-out.

The Planning Services Manager responded two studies were performed; stated the original study addressed the 5.2 million square foot build-out; last month, an additional study was performed to confirm that the project's trip generation would not generate any significant impacts that were not anticipated in the original traffic study.

Councilmember Matarrese inquired whether the 1995 study was related to the airport, to which the Planning Services Manager responded said study was related to airport expansion.

Councilmember Matarrese stated that traffic management needs to be reviewed for the existing roads; some of the main concerns have been captured with the three additional conditions of approval; requested that fast food restaurant language be added; stated that due process has been followed; he understood that all Harbor Bay Home Owner Associations were supposed to be notified; inquired whether said notification is required.

The Planning Services Manager responded in the negative; stated all Home Owner Association Presidents will receive notification for any future Harbor Bay projects.

Vice Mayor Tam stated assertions have been made regarding the staleness of the 1989 Environmental Impact Report; SRM's attorneys state that "the City no longer has the discretion to take a second pass at the question of whether the project should be built due to potential impacts to wildlife, traffic generation, noise, site design and layout or any other impacts unrelated to the narrow question of the Esplanade project's consistency with the Planned Development Design Guidelines and conditions of approval"; efforts are being made to review all past approvals, not redesign the project from scratch.

The City Attorney stated a major design review is one of the things before Council tonight; Council still has some discretion on how

the buildings look, i.e., color and material composition; the chapter is closed on density and building height issues.

Councilmember Matarrese inquired whether building setbacks are already determined by the Agreement, to which the City Attorney responded in the affirmative.

Mayor Johnson inquired whether Council has the ability to change the 100-foot building height limit, to which The Planning Services Manager responded in the negative.

Councilmember Gilmore inquired whether the building setbacks could be moved back, to which the Planning Services Manager responded in the affirmative.

Councilmember Gilmore stated the project is subject to a past Development Agreement; the City wants to be known as an entity that keeps its word, just as the City would hold a developer to the letter of an agreement; bringing jobs and tax revenue to the City is good; both sides will not be completely happy because of competing interests such as setbacks, access road, and building materials; the Ferry Terminal parking is an issue whether or not the development is built; she is not sure why the Ferry Terminal parking problem should be off-loaded on the developer.

Councilmember Matarrese suggested having a second directive to review restriping the Ferry Terminal parking lot; stated Bay Farm Island was designed as a fully integrated community when developed into Harbor Bay; the area was designed with bike paths and with the intention to have the area built all the way as business; the benefits provide employment of a low intensity around the edge of the Business Park; the parcel is buffered by a lagoon and trees; the houses to the west are buffered by the Ferry Terminal; the design is compatible with the other buildings in the Business Park; the closest building has the same motif; the objective is to produce an environmentally friendly construction approach that reduces carbon footprint and benefits the City; the City also benefits from diversifying the tax base; the benefits outweigh the concerns; the area has been enjoyed as open space but has always been posted as private property, and zoned as commercial property.

Councilmember Matarrese moved approval of upholding the Planning Board's decision [adoption of resolutions] with the following changes: 1) addition of the three conditions provided by staff regarding parking, restaurant use and biology; 2) addition of a condition to require that the transportation demand plan include how to maximize use of Harbor Bay and Ron Cowan Parkways; and 3) addition of a condition that the restaurant use prohibits a drive

thru and includes a definition of fast food.

Mayor Johnson stated direction could be given to staff to come up with a fast food restaurant definition.

Councilmember Matarrese stated that he wants to have a definition that has been used someplace else and that could be used for the purpose of the proposed development.

Mayor Johnson stated that San Francisco's definition should be used if said definition meets the City's intention.

Vice Mayor Tam stated that she wants to make sure that the definition is consistent with part of the motion; inquired whether a fast food restaurant would be defined as a fast food chain restaurant that has more than fifteen other locations.

The Planning Services Manager responded in the negative; stated the San Francisco definition would be utilized.

Vice Mayor Tam inquired whether restaurant or café hours of operation would stay, to which Councilmember Matarrese responded in the affirmative.

Councilmember Gilmore stated hours of operation trigger a Use Permit.

Councilmember Matarrese stated hours of operation trigger a Use Permit which goes through a normal public hearing process; a prohibited fast food chain would not trigger a Use Permit.

The Applicant stated that Peet's Coffee could be deemed a fast food restaurant; inquired how the negotiating process would work if there are issues.

Mayor Johnson stated the intent is to direct staff to add the additional language and approve the project going forward.

The Planning Services Manager stated the Applicant could always come back to Council and request modification of the conditions.

Vice Mayor Gilmore inquired whether Council could urge SRM to work with the Home Owner Associations to put heads and resources together to extend the shuttle throughout the residences; stated Council could require the developer to talk with said associations but not put the entire bill on the developer.

Councilmember deHaan stated the restaurant location is concerning;

hopes are to have Ferry riders stop for a cup of coffee; Ferry riders barely make it in time to board; restaurants demand more parking; he would like to re-think having a restaurant near the Ferry Terminal.

The Applicant stated attracting restaurants to the Business Park has been a real challenge; current cafés operate between 10:00 a.m. and 2:00 p.m. and are struggling; the Ferry Terminal location represents a better opportunity to get traffic and be successful.

Councilmember Gilmore stated Condition #30 addresses the Transportation System Management and existing shuttle service for the Business Park; inquired whether additional language could be added to reach out to the Harbor Bay Home Owner Associations in an attempt to pull resources to get a shuttle system working around the residences.

The Applicant stated that the shuttle service is operated and paid for by Business Park owners; he does not have the ability to obligate expanding the shuttle service to residents; he would be happy to discuss the idea with residents in his role as President of the Business Park.

Councilmember Gilmore stated that she is not requesting the Applicant to obligate the Business Park to provide shuttle service; she is obligating the Applicant to have a dialogue.

Mayor Johnson stated that Councilmember Matarrese requested that the matter be brought to the Interagency Liaison Committee (ILC).

Councilmember Matarrese stated that the Business Park is responsible for shuttle service as a mitigation of the traffic created; the residential side has no such vehicle; the matter is a City issue; the City should coordinate an effort that brings the Harbor Bay community and Business Park together to discuss shuttle service; language should be crafted to prohibit fast food restaurants such as McDonalds, Burger King, etc.

Councilmember deHaan stated that the project blessing is that employees could live in the area.

Councilmember Matarrese stated residents could either take the shuttle or bicycles.

Mayor Johnson inquired whether the ferry terminal has bike parking, to which the Applicant responded in the affirmative.

Mayor Johnson seconded the motion.

Under discussion, Councilmember deHaan stated the restaurant is his only concern.

The Planning Services Manager stated a Conditional Use Permit would provide the ability to review the issue on a case-by-case basis.

Councilmember deHaan inquired whether the shuttle service issue is off the table and will be handled by the City.

Mayor Johnson responded the City will work with Harbor Bay Home Owner Associations.

Councilmember deHaan stated that the 100-foot height limit needs to be addressed.

Mayor Johnson stated that the 100-foot height limit is a Disposition and Development Agreement issue.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Gilmore, Matarrese, Tam and Mayor Johnson - 4. Abstentions: Councilmember deHaan - 1.

Councilmember deHaan stated that he hopes that the City will be able to review the architectural work to see if some of the buildings can be staggered; he thinks that there is room for further review.

(08-166) Recommendation to review Charter Amendments for the November 2008 Ballot. Continued.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(08-167) Mayor Johnson announced that she attended the Mayor's Conference in January.

(08-168) Councilmember Matarrese stated AC Transit provided a report on the 63 line at the most recent Interagency Liaison Committee (ILC) meeting; the changes have been made at the Encinal and Monarch end of the route; AC Transit will have to wait to

gather data in the fall because school will be out and data would be skewed; data to analyze the re-routing decision will not be available until November or December.

(08-169) Vice Mayor Tam stated that she has an ILC question related to Item 5-C; inquired whether AC Transit is looking at increasing ridership at Harbor Bay; stated having a shuttle system when AC Transit already goes to the ferry terminal seems duplicative.

Councilmember Matarrese stated the City needs to talk to AC Transit about the matter; the Emery-Go-Round directly conflicted with Line 6; there was a tug-of-war that ended with AC Transit withdrawing some service from Emeryville.

Vice Mayor Tam inquired whether Councilmember Matarrese plans to bring up the issue at an ILC meeting, to which Councilmember Matarrese responded in the affirmative.

Councilmember deHaan stated the shuttle is already in the commercial area, which is to the City's benefit.

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 1:04 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -APRIL 15, 2008- -6:30 P.M.

Mayor Johnson convened the Special Meeting at 6:40 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(08-145) Conference with Labor Negotiators; Agency Negotiators:  
Craig Jory and Human Resources  
Director; Employee Organizations: All Public Safety Bargaining  
Units.

(08-146) Conference with Legal Counsel - Anticipated Litigation;  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that regarding Labor, Council received  
a briefing on the status of negotiations; regarding Legal, the item  
was not heard.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown  
Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING  
TUESDAY- -APRIL 15, 2008- -7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:55 p.m.

ROLL CALL - Present: Councilmembers/Commissioners deHaan,  
Gilmore, Matarrese, Tam and Mayor/Chair  
Johnson - 5.

Absent: None.

SPECIAL ORDERS OF THE DAY

(08-147) Update on the Alameda Theater, Cineplex, and Parking  
Structure Project.

The Redevelopment Manager gave a Power Point  
presentation.

Commissioner deHaan stated that the restoration is exceptional and  
is quite impressive.

CONSENT CALENDAR

Mayor/Chair Johnson announced that the recommendation to approve an  
addendum to the Alameda Landing Mixed Use Development Project  
[paragraph no. 08-148CC/08-19CIC] and the recommendation to approve  
the first amendment to the Contract with City Design Collective  
[paragraph no. 08-20CIC] were removed from the Consent Calendar for  
discussion.

Vice Mayor/Commissioner Tam moved approval of the remainder of the  
Consent Calendar.

Councilmember/Commissioner deHaan seconded the motion, which  
carried by unanimous voice vote - 5. [Items so enacted or adopted  
are indicated by an asterisk preceding the paragraph number.]

(\*08-18CIC) Minutes of the Special Joint Community Improvement  
Commission and Housing Authority Board of Commissioners Meeting  
held on March 18, 2008. Approved.

(08-148CC/08-19CIC) Recommendation to approve an addendum to the  
Alameda Landing Mixed Use Development Project Supplemental  
Environmental Impact Report; a Letter of Intent regarding property  
exchange by and among Palmtree Acquisition Corporation, Peralta  
Community College District and the CIC; a Right-of-Way Contract

between the City of Alameda and Peralta Community College District for dedication of the Stargell Right-of-Way; and a Side Letter between the City of Alameda and Palmtree Acquisition Corporation for dedication of the Stargell Right-of-Way;

(08-19A CIC) Adoption of Resolution Approving Letter of Intent By and Among Palmtree Acquisition Corporation, Peralta Community College District, and the CIC and Authorizing the CIC to Accept the Deed to Property.

Mayor/Chair Johnson announced that the item would be continued.

(08-20 CIC) Recommendation to approve the first amendment to the Contract with City Design Collective in the amount of \$6,500 to include water color illustrations in the North of Lincoln Strategic Plan for the Park Street Business District.

The Development Services Director gave a brief presentation.

Commissioner deHaan inquired whether there would be one illustration or a series of illustrations, to which the Development Services Director responded a set of illustrations.

Commissioner deHaan inquired how many illustrations, to which the Development Services Director responded that she did not know.

Commissioner deHaan stated the process is going well; he is concerned with the 8% budget increase for the illustrations.

The Development Services Director stated the Contract was sized with several options; the illustrations were bid as part of an option to the Contract.

Commissioner deHaan inquired whether a watercolor illustration is necessary.

The Development Services Director responded a computer graphic illustration would require gathering all of the parcel information.

Commissioner deHaan moved approval of the staff recommendation.

Commissioner Matarrese stated that having pictures is worthwhile; inquired what would not be done by taking money from another General Fund source.

The Development Services Director responded the money would come from Planning Department fees, not a General Fund account.

Commissioner Matarrese inquired what the money would be spent on if left in the Planning Department.

The Development Services Director responded other studies; stated the fund is sequestered and created by the Planning Department through the fee collection process.

Commissioner Matarrese stated questions need to be asked during the budget process; something will not be done if the money is used for watercolors.

The City Manager stated the funds are specified for this type of work; money would not be taken away from another type of study.

Commissioner Matarrese stated that explanations are needed; money equals services.

Commissioner deHaan inquired where the initial \$75,000 came from, to which the Development Services Director responded a line item in the CIC budget for planning studies.

Commissioner deHaan inquired why the \$6,500 would not come out of the \$75,000.

The Development Services Director responded the Planning Department assisted with money from their budget; stated the CIC did not have the funds.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

#### AGENDA ITEMS

None.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:15 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk  
Secretary, CIC

The agenda for this meeting was posted in accordance with the Brown

Act.